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Arizona Corporation

BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

CARL J. KUNASEK
CHAIRMAN

JAN 10 2000

JIM IRVIN
COMMISSIONER
WILLIAM A. MUNDELL
COMMISSIONER

DOCKETED BY

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IN THE MATTER OF THE APPLICATION OF
GEORGE AND JULIE LEWITZ dba SUN
COMMUNICATIONS FOR THE
CANCELLATION OF THE CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
CUSTOMER-OWNED PAY TELEPHONE
SERVICE IN THE STATE OF ARIZONA.

DOCKET NO. T-02912A-97-0590

DECISION NO. 62211ORDER

Open Meeting
January 5 and 6, 2000
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. George and Julie Lewitz dba Sun Communications ("Applicant") has a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona pursuant to Decision No. 59193 (August 8, 1995).

2. On October 29, 1997, Applicant filed an application for approval of the cancellation of the Certificate.

3. In Decision No. 55817 (December 10, 1987), the Commission found that COPT providers were public service corporations subject to the jurisdiction of the Commission.

4. Decision No. 57797 (April 8, 1992) adopted A.A.C. R14-2-901 through R14-2-909 to regulate COPT providers.

5. Decision No. 58535 (February 14, 1994) adopted a Generic Tariff that establishes rates and minimum service standards applicable to COPT service.

6. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT Certificates without a hearing.

7. On November 26, 1999, the Commission's Utilities Division Staff ("Staff") filed a Staff Report, recommending approval of the application to cancel Applicant's Certificate without a hearing.

CONCLUSIONS OF LAW

1. Applicant is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. The Commission has jurisdiction over Applicant and the subject matter of the application.

3. The cancellation of Applicant's Certificate is in the public interest.

4. Staff's recommendation in Findings of Fact No. 7 is reasonable and should be adopted.

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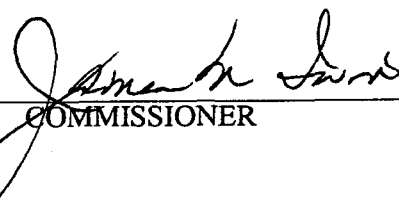

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ORDER

1 IT IS THEREFORE ORDERED that the application of George and Julie Lewitz dba Sun
2 Communications for the cancellation of the Certificate to provide customer-owned pay telephone
3 service shall be, and is hereby, approved.

4 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

5 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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CHAIRMAN COMMISSIONER COMMISSIONER
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11 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
12 Secretary of the Arizona Corporation Commission, have
13 hereunto set my hand and caused the official seal of the
14 Commission to be affixed at the Capitol, in the City of Phoenix,
15 this 15th day of January, 2000.

16 
BRIAN C. McNEIL
EXECUTIVE SECRETARY

17 DISSENT _____
18 KEN:dap
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1 SERVICE LIST FOR:

GEORGE AND JULIE LEWITZ dba SUN
COMMUNICATIONS

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3 DOCKET NO.

T-02912A-97-0590

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